

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

DICKENS INC.

Case Nos. 29-CA-29080
 29-CA-29198
 29-CA-29254

and

WENQUING LIN

MOTION FOR DEFAULT JUDGMENT

PLEASE TAKE NOTICE that the undersigned Counsel for the Acting General Counsel, upon the below-listed facts, and the annexed documents and exhibits referred to herein, hereby moves that the National Labor Relations Board, herein called the Board, prior to and without the necessity of a hearing, issue an Order containing findings of fact and conclusions of law in accordance with the allegations of the Amended Compliance Specification in the above-captioned case, and ordering Dickens Inc. ("Respondent") to appropriately remedy the unfair labor practices found, and granting such other and further and different relief as may be proper in the circumstances.

In support of this Motion, Counsel for the Acting General Counsel shows and alleges that:

1. On May 26, 2011, the National Labor Relations Board ("the Board"), issued an Order (unpublished) directing Respondent to offer reinstatement to and make whole Wenquing Lin and Miaona Wu for any loss of earnings and other benefits they suffered as a result of Respondent's discrimination against them. A copy of this Order is attached as Exhibit A.
2. On September 30, 2011, the United States Court of Appeals for the Second Circuit entered a Judgment (11-3352), enforcing, in full, the Order of the Board. A copy of this Judgment is attached as Exhibit B.

3. On May 30, 2012, the Regional Director for Region 29 issued a Compliance Specification (“Specification”) and Notice of Hearing in the above-captioned case. A copy of the Specification, Affidavit of Service, and proof of service are attached as Exhibits C, D, and E, respectively.

4. Pursuant to Section 102.56 of the Board’s Rules and Regulations, Respondent’s time to file an answer to the Specification expired on June 19, 2012.

5. On June 15, 2012, Respondent filed an Answer to the Specification, dated June 14, 2012. The Answer did not admit or deny any of the allegations set forth in the Specification. Respondent neither set forth its own computations nor provided an alternate theory as to how to compute the amounts owed. A copy of this Answer is attached as Exhibit F.

6. By letter dated June 18, 2012, Counsel for the Acting General Counsel advised Respondent that the Answer filed on June 15, 2012, did not meet the criteria set forth in the Section 102.56(b) of the Board’s Rules and Regulations. Counsel for the Acting General Counsel further advised that if Respondent did not file an Amended Answer by June 20, 2012, the Region may seek a Default Judgment from the Board on all the allegations set forth in the Specification. A copy of this letter is attached as Exhibit G.

7. By letter dated June 19, 2012, Counsel for the Acting General Counsel advised Respondent that the Amended Answer must be “received by this office on or before June 25, 2012, or postmarked on or before June 23, 2012[.]” A copy of this letter is attached as Exhibit H.

8. Section 102.56(c) of the Board’s Rules and Regulations, Series 8, as amended, provides that if a Respondent files an answer to the specification but does not deny any allegation of the specification in the manner required by the Rules and is not explained, “such allegation shall be deemed to be admitted to be true, and may be so found by the Board without the taking of evidence supporting such allegation, and the respondent shall be precluded from introducing any evidence

controverting the allegation.”

9. As noted above, by letters dated June 18, 2012 and June 19, 2012, Counsel for the Acting General Counsel advised Respondent that its Answer was deficient and provided it an opportunity to correct the deficiencies in the Answer. In addition, the final paragraph of the Specification gave Respondent notice that if its answer fails to deny allegations in the manner required by the Rules, and the failure to do so is not adequately explained, “the Board may find those allegations in the compliance specification are true and preclude Respondent from introducing any evidence controverting those allegations.” (See Exhibit C).

10. On June 21, 2012, Respondent filed an Amended Answer to the Specification, dated June 20, 2012. Respondent’s Amended Answer did not admit or deny any of the allegations set forth in paragraph I, II. B, III, and IV of the Specification. The Amended Answer denied paragraph II. A, inasmuch as Respondent argued that Wenquing Lin and Miaona Wu should not be compensated for ten (10) holidays that fell during their backpay period because no warehouse workers worked or received holiday pay on these days. A copy of the Amended Answer is attached as Exhibit I.

11. Notwithstanding Respondent’s failure to furnish the appropriate supporting figures for the amounts owed, on June 25, 2012, Counsel for the Acting General Counsel agreed to amend its computation of gross backpay in paragraphs II. A. to reflect the removal of nine (9) paid holidays and adjust Respondent’s liability as set forth in paragraph V, inasmuch as Respondent’s payroll records demonstrated that with the exception of Martin Luther King Jr. Day, on January 19, 2009, its employees did not work or receive holiday pay during the backpay period. A copy of the Region’s offer to amend the Specification is attached as Exhibit J.

12. On June 28, 2012, the Regional Director for Region 29 issued an Order Rescheduling Hearing. A copy of the Order and Affidavit of Service are attached as Exhibits K and L, respectively.

13. On July 9, 2012, the Regional Director for Region 29 issued an Amended Compliance Specification (“Amended Specification”) and Notice of Hearing in the above-captioned case. A copy of the Amended Specification, and Affidavit of Service are attached as Exhibits M and N, respectively.

14. On July 20, 2012, the Acting Regional Director for Region 29 issued an Order Rescheduling Hearing. A copy of the Order and Affidavit of Service are attached as Exhibits O and P, respectively.

15. Pursuant to Section 102.56 of the Board’s Rules and Regulations, Respondent’s time to file an answer to the Amended Specification expired on July 30, 2012.

16. Respondent failed to file an answer to the Amended Specification, and did not make any application for an extension of time to file an Answer.

17. On July 31, 2012, Counsel for the Acting General Counsel sent a letter to Respondent, noting that no answer to the Amended Specification had been filed by Respondent, and further noting that if an Answer was “not received in this office on or before the close of business on August 7, 2012,” Counsel for the Acting General Counsel would file a Motion for Default Judgment with the Board. The letter included a copy of the Amended Specification as an enclosure. A copy of this letter, and proof of service are attached as Exhibits Q and R, respectively.

18. To date, Respondent has not filed an Answer to the Amended Compliance Specification and Notice of Hearing, and Respondent has not made any application for an extension of time to file an Answer.

19. (a) Section 102.56(c) of the Board’s Rules and Regulations, Series 8, as amended, provides that if no Answer is filed, “the Board may . . . find the specification to be true and enter such order as may be appropriate.”

20. (b) The last paragraph of the Amended Specification gave notice to the Respondent that if it did not file a timely Answer, then “the Board may find those allegations in the Amended Compliance Specification and Notice of Hearing are true and preclude Respondent from introducing any evidence controverting those allegations.”

21. Based upon the foregoing, and the exhibits herein, the Motion for Default Judgment should be granted.

22. As an appropriate remedy for the allegations of the Amended Compliance Specification, it is requested that the Board issue a Supplemental Order directing Respondent, its officers, agents, successors, and assigns:

a. to make whole Wenquing Lin and Miaona Wu, pursuant to the Board’s Order and the Court’s Judgment, by payment to them of \$35,052.00, to be allocated in the individual amounts set forth in Appendix A of the Amended Specification (Exhibit M), plus interest accrued to the date of payment, computed in the manner prescribed in Jackson Hospital Corporation d/b/a Kentucky River Medical Center, 356 NLRB No. 8 (2010), minus the tax withholdings required by federal and state laws; and

b. to comply with such other order of the Board as it deems appropriate in the circumstances of this case.

WHEREFORE, Counsel for the Acting General Counsel respectfully moves the Board to grant the relief prayed for herein as follows:

(a) Find pursuant to Section 102.56 of the Board’s Rules and Regulations that the allegations in the Amended Compliance Specification, as amended, are true;

(b) Rule upon this Motion prior to the opening of any hearing and prior to the taking of any evidence; and

(c) Issue a Supplemental Board Order, prior to any hearing and without necessity of further proof, against Respondent herein, its officers, agents, successors and assigns, containing findings of fact and conclusions of law in accordance with the allegations of said Amended Compliance Specification.

(d) Issue an appropriate Order against Respondent, as set forth in paragraph 22 of this Motion.

Dated at Brooklyn, New York, this 8th day of August 2012.

Respectfully submitted,

Genaira L. Tyce
Counsel for the Acting General Counsel
National Labor Relations Board, Region 29
Two MetroTech Center, Suite 5100
Brooklyn, New York 11201

INDEX

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Board Order (unpublished) dated May 26, 2011
B	Judgment of the United States Court of Appeals for the Second Circuit, Docket No. 11-3352, dated September 30, 2011
C	Compliance Specification and Notice of Hearing in Case Nos. 29-CA-29080, 29198 and 29254, dated May 30, 2012
D	Affidavit of Service for Exhibit C
E	Proof of Service for Exhibit C
F	Answer, dated June 14, 2012
G	Counsel for the Acting General Counsel's Letter, Notifying Respondent of Answer Deficiency, dated June 18, 2012
H	Counsel for the Acting General Counsel's Letter, Notifying Respondent of Amended Answer Due Date, dated June 19, 2012
I	Amended Answer, dated June 20, 2012
J	Counsel for the Acting General Counsel's Offer to Amend Compliance Specification, dated June 25, 2012
K	Order Rescheduling Hearing in Case Nos. 29-CA-29080, 29198 and 29254, dated June 28, 2012
L	Affidavit of Service of Exhibit K
M	Amended Compliance Specification and Notice of Hearing in Case Nos. 29-CA-29080, 29198 and 29254, dated July 9, 2012
N	Affidavit of Service for Exhibit L
O	Order Rescheduling Hearing in Case Nos. 29-CA-29080, 29198 and 29254, dated July 20, 2012
P	Affidavit of Service of Exhibit O
Q	Counsel for the Acting General Counsel's Letter, Notifying Respondent No Answer Received, dated July 31, 2012
R	Proof of Service for Exhibits M and Q

EXHIBIT A

NOTICE: This opinion is subject to formal revision before publication in the bound volumes of NLRB decisions. Readers are requested to notify the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570, of any typographical or other formal errors so that corrections can be included in the bound volumes.

Dickens, Inc. and Wenquing Lin. Cases 29-CA-29080, 29-CA-29198, and 29-CA-29254

May 26, 2011

SUPPLEMENTAL DECISION AND ORDER

BY CHAIRMAN LIEBMAN AND MEMBERS PEARCE
AND HAYES

On June 10, 2010, the National Labor Relations Board issued a decision in this case,¹ affirming Administrative Law Judge Raymond P. Green's finding that Respondent Dickens, Inc. (Dickens) had violated Section 8(a)(1) of the Act by falsely accusing employee Wenquing Lin of stealing and assault and by calling the police to harass him because of his protected conduct (Lin had prevailed in a prior unfair labor practice proceeding against the Respondent). The Board also affirmed the judge's finding that the General Counsel had shown that protected activity on the part of Lin and Miaona Wu (who had cooperated with the Region's investigation of the prior case involving Lin) was a substantial or motivating factor in Dickens' decision to select Lin and Wu for layoff.² However, the Board found that Dickens had presented some evidence that Lin's and Wu's lack of facility in English was one reason for their layoffs, and therefore that the judge had erred by finding that Dickens had not presented any evidence tending to demonstrate that it would have taken the same action absent Lin's and Wu's protected activity.³ Accordingly, the Board remanded the complaint allegations concerning the layoffs of Lin and Wu to the judge for him to assess that evidence and determine whether Dickens had met its rebuttal burden.

On July 16, 2010, Judge Green issued the attached supplemental decision.⁴ Judge Green assessed the evidence in question and found that Dickens had not met its rebuttal burden. Accordingly, he reaffirmed his prior findings that Dickens violated Section 8(a)(1) by laying off Lin and Section 8(a)(1) and (4) by laying off Wu. Dickens filed exceptions and a supporting brief, and the General Counsel filed an answering brief.

¹ 355 NLRB No. 44.

² *Wright Line*, 251 NLRB 1083, 1089 (1980), *enfd.* on other grounds 662 F.2d 899 (1st Cir. 1981), *cert. denied* 455 U.S. 989 (1982), *approved in NLRB v. Transportation Management Corp.*, 462 U.S. 393 (1983).

³ *Wright Line*, *above*, 251 NLRB at 1089.

⁴ In discrediting James Chou's testimony, the judge inadvertently stated that "I do rely on it for any purpose." In context, it is clear that the judge meant to say "I do not rely on it for any purpose." We correct the error.

The Board has delegated its authority in this proceeding to a three-member panel.

The Board has reviewed the supplemental decision and the record in light of the exceptions and briefs and has decided to affirm the judge's rulings, findings,⁵ and conclusions and to adopt the relevant portions of the judge's recommended Order, as modified and set forth in full below.⁶

ORDER

The National Labor Relations Board orders that the Respondent, Dickens, Inc., Commack, New York, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Laying employees off because of their protected concerted activity of seeking higher wages or better terms and conditions of employment.

(b) Laying employees off because they cooperate with the National Labor Relations Board or furnish affidavits to Board agents during its proceedings.

(c) In any other manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Within 14 days from the date of this Order, offer Wenquing Lin and Miaona Wu full reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed.

(b) Make Wenquing Lin and Miaona Wu whole for any loss of earnings and other benefits suffered as a result of the discrimination against them, in the manner set

⁵ The Respondent has excepted to some of the judge's credibility findings. The Board's established policy is not to overrule an administrative law judge's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Standard Dry Wall Products*, 91 NLRB 544 (1950), *enfd.* 188 F.2d 362 (3d Cir. 1951). We have carefully examined the record and find no basis for reversing the findings.

⁶ The judge described Dickens' treatment of Lin and Wu as both layoffs and discharges. The record indicates that the actions are more aptly described as layoffs. We shall modify the judge's recommended Order and notice accordingly. We shall also modify the judge's notice to conform to the Board's standard remedial language.

We shall modify the judge's recommended Order to provide for the posting of the notice in accord with *J. Picini Flooring*, 356 NLRB No. 9 (2010). For the reasons stated in his dissenting opinion in *J. Picini Flooring*, Member Hayes would not require electronic distribution of the notice.

Finally, in accordance with our decision in *Kentucky River Medical Center*, 356 NLRB No. 8 (2010), we shall modify the judge's recommended remedy by requiring that backpay shall be paid with interest compounded on a daily basis.

forth in the remedy section of the judge's initial decision as amended in this decision.

(c) Within 14 days from the date of this Order, remove from its files any reference to the unlawful layoffs, and within 3 days thereafter, notify the employees in writing that this has been done and that the layoffs will not be used against them in any way.

(d) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.

(e) Within 14 days after service by the Region, post at its Commack, New York facility, copies of the attached notice, in English, Cantonese, Mandarin, and Spanish, marked "Appendix."⁷ Copies of the notice, on forms provided by the Regional Director for Region 29, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by e-mail, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since June 9, 2008.

(f) Within 21 days after service by the Region, file with the Regional Director for Region 29 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

⁷ If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

Dated, Washington, D.C. May 26, 2011

Wilma B. Liebman, Chairman

Mark Gaston Pearce, Member

Brian E. Hayes, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

APPENDIX

NOTICE TO EMPLOYEES

POSTED BY ORDER OF THE

NATIONAL LABOR RELATIONS BOARD

An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT lay off or otherwise discriminate against any of you for engaging in the protected concerted activity of seeking better pay or better working conditions.

WE WILL NOT lay off or otherwise discriminate against any of you because you cooperate with the National Labor Relations Board or furnish affidavits to the Board's agents during its proceedings.

WE WILL NOT in any other manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL, within 14 days from the date of the Board's Order, offer Wenqing Lin and Miaona Wu full reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed.

WE WILL make Wenquing Lin and Miaona Wu whole for any loss of earnings and other benefits resulting from their layoffs, less any net interim earnings, plus interest.

WE WILL, within 14 days from the date of the Board's Order, remove from our files any reference to the unlawful layoffs of Wenquing Lin and Miaona Wu, and WE WILL, within 3 days thereafter, notify each of them in writing that this has been done and that the layoffs will not be used against them in any way.

DICKENS, INC.

Henry Powell, Esq., for the General Counsel.

James Chou, for the Respondent.

SUPPLEMENTAL DECISION

RAYMOND P. GREEN, Administrative Law Judge. On June 10, 2010, the Board, at 355 NLRB No. 44, issued a Decision that remanded certain matters for further consideration. In pertinent part, the Board stated that it agreed that the General Counsel showed that Lin's and Wu's protected activity was a substantial or motivating factor in the Respondent's decision to select them for layoff and that the burden of proof shifted to the Respondent to prove that it would have taken the same action even absent their protected activity. However, the Board concluded that I did not sufficiently consider whether the Respondent had met its burden of sustaining its contention that it "selected Lin and Wu for layoff at least in part because of their lack of facility in English."

I conclude that the Respondent has not met its burden for the following reasons.

1. In my opinion, Chou's testimony was not credible. Although he was given the opportunity to testify as to the reasons for his decision to lay off the two discriminates, his testimony was so marred by incoherence and irrelevancies that I do rely on it for any purpose.

2. By a letter to the NLRB's Regional Office dated December 29, 2008,¹ Chou reviewed his experiences in the prior case and responded to new unfair labor practice charges that had been filed. Among other things, he attached a letter to the Regional Office dated June 20, 2008, where he asserted that because business was down, he was going to have to reduce his work force in the warehouse. Chou stated *inter alia*:

As shown on the attached list, currently we have 15 people working in the warehouse and we are planning to cut down at least 6 people immediately. Based on employee performance and the company's need, Mr. Wenquing Lin and Ms. Miaona Wu are in the list to be laid off and they are involved in a pending case with the NLRB.

Please let us know if we are not allowed to lay off Mr. Lin or Ms. Wu. We are also more than happy to meet you to answer your questions. We have had enough problems with the NLRB and we are not looking for extra troubles.

As an attachment to a letter sent to the Regional Director dated October 16, 2008, Chou submitted a spreadsheet, listing all of his warehouse employees, setting forth their job duties and his opinion of their performance. Wu was ranked in this chart as the lowest performing employee.

Respondent's Exhibit 2, consisting of multiple emails and letters (with attachments), between Chou and personnel in the Brooklyn Regional Office are out-of-court statements and therefore constitute hearsay for the truth of the matters asserted, if offered for that purpose by the Respondent. This exhibit was received in evidence, in part, because Chou wanted to demonstrate his alleged persecution by the Regional Office and it was easier to receive the documents than to fight him on an evidentiary issue that he did not understand. The bottom line is that the letters, emails, and attached documents that were submitted by Chou to Region 29 in the course of the investigation are not substitutes for actual evidence that must be presented in any subsequent trial. Any assertions made by Chou in these letters and attached documents do not constitute competent evidence in support of his contention that Wu and Lin were laid off or terminated for good cause. And in this connection, I specifically advised Chou that when he gave his testimony, he should testify as to the reasons why he laid off Wu and Lin.

3. Although Chou testified under oath, without interruption by either the General Counsel or me for 4 hours, he never once stated during his testimony that the reason he chose Lin or Wu for layoff was because they had difficulty with the English language. In fact, he didn't even describe any reasons why he laid off either individual.

4. The fact that Wu conceded that Chou told her on the day of her layoff that he had selected her because she could not speak English and because she was the highest paid employee, does not prove that this was the actual reason Chou selected her for a layoff. Wu also testified that when he said this, she stated that she never had any trouble doing her work and that he remained silent when confronted with her response. Although her testimony as to what Chou said to her at the time of her layoff should be considered as evidence regarding the issue, it is still up to the Respondent to establish, by competent evidence including testimony under oath, that this was in fact the reason and not simply a statement made by Chou to set up a pretext.

5. In the prior case involving this Respondent, at 352 NLRB 667 (2008), the Respondent made essentially the same contention with respect to the previous discharge of Lin. This was rejected by the administrative law judge and the Board. The ALJ concluded:

Chou also testified that part of his decision was "cost savings," inasmuch as Lin cannot lift heavy boxes and did not speak English and Chou could hire college students at \$8 per hour who could speak English and were capable of lifting heavy boxes. . . . I note that Liu and Wu had higher salaries than Lin and also speak limited English. More importantly, Respondent could have enjoyed cost saving at any time, by hiring more college students and terminating Lin, but it did not do so until Lin engaged unprotected conduct on September 29. In my view, it is clear that Lin's protected conduct was the sole and only reason for Respondent's decision to termi-

¹ This is R. Exh. 2. This is a letter explaining his position to the Regional Office and contains a large number of attachments.

nate him. In any event, it is even clear that Respondent has failed to show that it would have discharged Lin absent his protected concerted activity.

6. The evidence here established that both Lin and Wu had been performing their work for many years and that their limited skills in English did not impede their work. (Wu had been employed in the warehouse since September 2000).

For all of the reasons described above, I conclude that the Respondent has not met its burden of establishing that it would have terminated or laid off Lin or Wu for any reason apart from

their protected concerted activities. In the case of Wu, I also conclude that her termination was motivated by her participation in an NLRB proceeding and that the Respondent has not met its burden of showing that it would have laid her off for any other reason. I therefore reaffirm my previous decision that the Respondent violated Section 8(a)(1) of the Act by laying off Lin and violated Section 8(a)(1) and (4) of the Act by laying off Wu.

Dated, Washington, D.C. July 16, 2010

EXHIBIT B

MANDATE

Case: 11-3352 Document: 25 Page: 1 09/30/2011 405673 4

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 30th day of September, two thousand eleven,

NATIONAL LABOR RELATIONS BOARD)	
)	
Petitioner)	Case No. 11-3352
)	
v.)	Board No
)	29-CA-29080
DICKENS, INC.)	29-CA-29198
)	29-CA-29254
Respondent)	

JUDGMENT ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD

Before:

WALKER, STRAUB, and LIVINGSTON, *Circuit Judges*.

This cause was submitted upon the motion of the National Labor Relations Board for entry of a judgment enforcing its supplemental order, dated May 26, 2011, against Respondent, Dickens, Inc., its officers, agents, successors, and assigns, in Case No. 29-CA-29080, 29-CA-29198 and 29-CA-29254, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, Dickens, Inc., its officers, agents, successors, and assigns, shall abide by said supplemental order (See Attached Order and Appendix).

Mandate shall issue forthwith

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit







MANDATE ISSUED ON 09/30/2011

NATIONAL LABOR RELATIONS BOARD

v.

DICKENS INC.

The Respondent, Dickens, Inc., Commack, New York, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Laying employees off because of their protected concerted activity of seeking higher wages or better terms and conditions of employment.
 - (b) Laying employees off because they cooperate with the National Labor Relations Board or furnish affidavits to Board agents during its proceedings.
 - (c) In any other manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Within 14 days from the date of this Order, offer Wenquing Lin and Miaona Wu full reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed.
 - (b) Make Wenquing Lin and Miaona Wu whole for any loss of earnings and other benefits suffered as a result of the discrimination against them, in the manner set forth in the remedy section of the judge's initial decision as amended in the May 26, 2011 decision reported at 356 NLRB No. 165, 2011 WL 2469023 (2011).
 - (c) Within 14 days from the date of this Order, remove from its files any reference to the unlawful layoffs, and within 3 days thereafter, notify the employees in writing that this has been done and that the layoffs will not be used against them in any way.
 - (d) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such

A True Copy

Catherine O'Hagan

United States Court of Appeals, Second Circuit

Catherine O'Hagan



records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.

- (e) Within 14 days after service by the Region, post at its Commack, New York facility, copies of the attached notice, in English, Cantonese, Mandarin, and Spanish, marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 29, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by e-mail, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since June 9, 2008.
- (f) Within 21 days after service by the Region, file with the Regional Director for Region 29 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 Catherine O'Hagan Wolfe

APPENDIX

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES
COURT OF APPEALS ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT lay off or otherwise discriminate against any of you for engaging in the protected concerted activity of seeking better pay or better working conditions.

WE WILL NOT lay off or otherwise discriminate against any of you because you cooperate with the National Labor Relations Board or furnish affidavits to the Board's agents during its proceedings.

WE WILL NOT in any other manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL, within 14 days from the date of the Board's Order, offer Wenquing Lin and Miaona Wu full reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed.

WE WILL make Wenquing Lin and Miaona Wu whole for any loss of earnings and other benefits resulting from their layoffs, less any net interim earnings, plus interest.

WE WILL, within 14 days from the date of the Board's Order, remove from our files any reference to the unlawful layoffs of Wenquing Lin and Miaona Wu, and

A True Copy WILL, within 3 days thereafter, notify each of them in writing that this has been done and that the layoffs will not be used against them in any way.

United States Court of Appeals, Second Circuit

DICKENS, INC.

Catherine O'Neil

Catherine O'Neil

EXHIBIT C

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29

ORIGINAL

DICKENS INC.

and

Case Nos. 29-CA-29080
29-CA-29198
29-CA-29254

WENQUING LIN

COMPLIANCE SPECIFICATION
AND NOTICE OF HEARING

The National Labor Relations Board, herein called the Board, on May 26, 2011, issued its Supplemental Decision and Order (356 NLRB No. 165) directing Dickens, Inc., herein called Respondent, its officers, agents, successors and assigns, to make whole discriminatees Wenquing Lin and Miaona Wu, for the loss of pay suffered as a result of their discrimination against them; and

The United States Court of Appeals for the Second Circuit on September 30, 2011, entered its Judgment (11-3352), enforcing, in full, the provisions of the Board Order; and

Controversy having arisen over the amount of monies due to the above-named discriminatees, the undersigned Regional Director of the Board for Region 29, pursuant to authority conferred upon him by the Board and Sections 102.54 and 102.55 of the Board's Rules and Regulations, Series 8, as amended, hereby issues this Compliance Specification and Notice of Hearing, and alleges that the monies due to the discriminatees is as follows:

I. THE BACKPAY PERIOD

A. The backpay period for discriminatees Wenquing Lin and Miaona Wu commenced on July 3, 2008, the date of their unlawful discharges by Respondent, and ends on June 30, 2009, the effective date on which they waived their rights to reinstatement.

II. COMPUTATION OF GROSS BACKPAY¹

A. An appropriate measure of the gross backpay which each claimant would have earned during their backpay period is their applicable hourly rate of pay multiplied by 40 hours per week, which is the average number of hours worked per week during each discriminatee's pre-discrimination period, computed on a calendar quarterly basis.

B. At the time of their discharge, Lin and Wu's hourly wage rates were as follows:

	<u>Hourly Wage</u>
Wenqing Lin	\$8.25
Miaona Wu	\$9.75

C. Computations of gross backpay based on the above are set forth in Appendix A.

III. INTERIM EARNINGS

Interim earnings, which it is admitted were earned by the two discriminatees during the backpay period, computed on a quarterly basis, are set forth in Appendix A.

IV. NET BACKPAY

The net backpay of the discriminatees is the difference between their gross backpay and interim earnings, computed on a quarterly basis, as set forth in Appendix A.

V. SUMMARY

Summarizing the facts herein and the computations set forth above and in Appendix A, the obligation of Respondent to make whole the discriminatees Lin and Wu pursuant to the Board Order and Court Judgment, will be discharged by payment to them of

1. Counsel for the Acting General Counsel reserves the right to amend the Specification to reflect additional monies that may be owed to the discriminatees.

\$36,270, allocated as follows:

Wenqing Lin	\$17,160
Miaona Wu	\$19,110

plus interest accrued to the date of payment, computed in the manner prescribed in *New Kentucky River Medical Center*, 356 NLRB No. 8 (2010), minus the tax withholdings required by federal, state and local laws.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Section 102.56 of the Board's Rules and Regulations, it must file an answer to the compliance specification. The answer must be received by this office on or before June 20, 2012, or postmarked on or before June 19, 2012. Unless filed electronically in a pdf format, Respondent should file an original and four copies of its answer with this office.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on the E-Gov tab, select E-Filing, and then follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that

such answer be signed and sworn to by the Respondent or by a duly authorized agent with appropriate power of attorney affixed. See Section 102.56(a). If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to this consolidated complaint and compliance specification is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

As to all matters set forth in the compliance specification that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached. Rather, the answer must state the basis for any disagreement with any allegations that are within the Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.


If no answer is filed or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the compliance specification are true. If the answer fails to deny allegations of the compliance specification in the manner required

under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the compliance specification are true and preclude Respondent from introducing any evidence controverting those allegations.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on the 24th day of July 2012, at 10:00 a.m. at Two MetroTech Center - 5th Floor, Brooklyn, New York, and consecutive days thereafter until concluded, a hearing will be conducted before a duly designated Administrative Law Judge of the National Labor Relations Board on the allegations set forth in the above Compliance Specification, at which time, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this compliance specification. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Brooklyn, New York, this 30th day of May, 2012.


James G. Paulsen
Regional Director
National Labor Relations Board
Region 29
Two MetroTech Center, Suite 5100
Brooklyn, New York 11201-3838

NLRB Backpay Calculation

1

Case Name: Dickens, Inc.
Case Number: 29-CA-29080 et al
Claimant: Wenquing Lin

Backpay period:

July 3, 2008-June 30, 2009

Year	Qtr		Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2008	3	Total	4,290		4,290	-	-	4,290
2008	4	Total	4,290		4,290	-	-	4,290
2009	1	Total	4,290		4,290	-	-	4,290
2009	2	Total	4,290		4,290	-	-	4,290
Totals					17,160	-	-	17,160

NLRB Backpay Calculation

1

Case Name: Dickens, Inc.
Case Number: 29-CA-29080 et al
Claimant: Miaona Wu

Backpay period:

July 3, 2008-June 30, 2009

Year	Qtr		Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2008	3	Total	3,900		3,900	-	-	3,900
2008	4	Total	5,070		5,070	-	-	5,070
2009	1	Total	5,070		5,070	-	-	5,070
2009	2	Total	5,070		5,070	-	-	5,070
Totals					19,110	-	-	19,110

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

CASE NO. 29-CA-29080, et al.

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing.

However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds thereafter must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; *and*
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the requested.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Dickens, Inc.
75 Austin Boulevard
Commack, New York 11725
Attn: James Chou, Vice President

Wenqing Llin
141-10 28th Avenue
Apt. 6D
Flushing, New York 11354

EXHIBIT D

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ORIGINAL

DICKENS INC..

And

WENQUING LIN

Case No. 29-CA-29080
29-CA-29198
29-CA-29254

Date of Mailing May 30, 2012

AFFIDAVIT OF SERVICE OF: COMPLIANCE SPECIFICATION AND NOTICE OF HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by united parcel service and regular mail upon the following persons, addressed to them at the following addresses:

Dickens, Inc.
75 Austin Boulevard
Commack, New York 11725
Attn: James Chou, Vice President

BY REGULAR MAIL ONLY

Dickens, Inc.
75 Austin Boulevard
Commack, New York 11725
Attn: James Chou, Vice President

Wenquing Llin
141-10 28th Avenue
Apt. 6D
Flushing, New York 11354

Subscribed and sworn to before me this 30th day
of MAY, 2012

DESIGNATED AGENT

Gina M. M... ..
NATIONAL LABOR RELATIONS BOARD

EXHIBIT E


Tracking Summary


Tracking Numbers

Tracking Number: 1Z A41 30W 01 9538 346 8
Type: Package
Status: **Delivered**
Delivered On: 05/31/2012
10:18 A.M.
Delivered To: COMMACK, NY, US
Signed By: SANCHEZ
Service: NEXT DAY AIR

Tracking results provided by UPS: 08/08/2012 3:46 P.M. ET

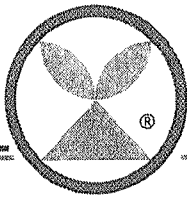
NOTICE: UPS authorizes you to use UPS tracking systems solely to track shipments tendered by or for you to UPS for delivery and for no other purpose. Any other use of UPS tracking systems and information is strictly prohibited.

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EXHIBIT F



DICKENS INC.

75 Austin Blvd., Commack, NY 11725

Phone: (631)993-3123

(800)445-4632

Fax: (631)993-3125

www.dcgreetings.com

Mr. James Paulsen
Regional Director
NATIONAL LABOR RELATIONS BOARD, Region 29
Two Metro Tech Center 5th Floor
Brooklyn, NY 11201-4201
Phone: (718) 330-2034

June 14, 2012

Case No.29-CA-29080
Case No.29-CA-29198
Case No. 29-CA-29254

Answer to Notice of Hearing

Mr. Paulsen,

Your Notice of Hearing dated May 20, 2012 is received. Does your requested backpay amount of \$36,270.- include payment for holidays?

In my 03/27/12 email to Mrs. Ellen Farben, I asked

"We did not offer the warehouse workers holidays. By law, do you have to deduct the amount of holidays from the backpay?"

It has been over 2 months, and I still have not received a written answer from your office. Your associates promised Mrs. Wu that she would get back her pay for the holidays, but now nobody has the balls to put it in writing, and try to push the problem to another hearing? Alvin Blyer is gone, but where are Peter Margolies and Henry Powell? For those who know the law, but play and abuse the law, please let them know that I will take care of them like the Jews take care of the Nazi when my health improves.

I will be out of the country between July 21 and July 30, and will not appear at your scheduled hearing on July 24.

Regards,

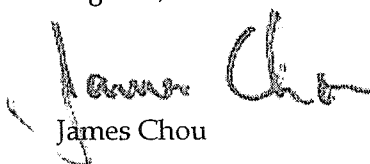

James Chou

EXHIBIT G



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 29
TWO METRO TECH CENTER STE 5100
BROOKLYN, NY 11201-3838

Agency Website: www.nlrb.gov
Telephone: (718)330-2843
Fax: (718)330-7579

June 18, 2012

BY U.S. MAIL and E-MAIL to jamesc@dcgreetings.com

James Chou
Dickens Inc.
75 Austin Blvd.
Commack, NY 11725

Re: Dickens Inc.
Case Nos. 29-CA-029080, 29-CA-029198, and
29-CA-029254

Dear Mr. Chou:

On May 30, 2012, the Regional Director issued a Compliance Specification and Notice of Hearing against Dickens Inc. (Respondent) in the above-captioned cases. You were served with a copy of the Compliance Specification. On June 15, 2012, you filed a letter with this office, dated June 14, 2012. Inasmuch as you purport that your June 14th letter is your Answer, this letter is to advise you that your June 14th letter does not meet the answer requirements of Section 102.56 (b) of the Board's Rules and Regulations. Specifically, Section 102.56(b) provides that:

[t]he answer shall specifically admit, deny, or explain each and every allegation of the specification, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. Denials shall fairly meet the substance of the allegations of the specification at issues. When a respondent intends to deny only a part of an allegation, the respondent shall specify so much of it as is true and shall deny only the remainder. As to all matters within the knowledge of the respondent, including but not limited to the various factors entering into the computation of the gross backpay, a general denial will not suffice. As to such matters, if the respondent disputes either the accuracy of the figures in the specification or the premises upon which they are based, the answer shall specifically state the basis for such disagreement, setting forth respondent's position as to the applicable premises and furnishing the appropriate supporting figures.

Unless an Answer that fully comports with Section 102.56 is received by this office on or before June 20, 2012, or postmarked on or before June 19, 2012, the Region will move for default judgment on all the allegations in the Compliance Specification.

Very truly yours,

Genaira L. Tyce
Counsel for the Acting General Counsel
National Labor Relations Board
Region 29

EXHIBIT H



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 29
TWO METRO TECH CENTER STE 5100
BROOKLYN, NY 11201-3838

Agency Website: www.nlrb.gov
Telephone: (718)330-2843
Fax: (718)330-7579

June 19, 2012

BY U.S. MAIL and E-MAIL to jamesc@dcgreetings.com

James Chou
Dickens Inc.
75 Austin Blvd.
Commack, NY 11725

Re: Dickens Inc.
Case Nos. 29-CA-029080, 29-CA-029198, and
29-CA-029254

Dear Mr. Chou:

On May 30, 2012, the Regional Director issued a Compliance Specification and Notice of Hearing against Dickens Inc. (Respondent) in the above-captioned cases. You were served with a copy of the Compliance Specification. On June 15, 2012, you filed a letter with this office, dated June 14, 2012. Inasmuch as you purport that your June 14th letter is your Answer, this letter is to advise you that your June 14th letter does not meet the answer requirements of Section 102.56 (b) of the Board's Rules and Regulations. Specifically, Section 102.56(b) provides that:

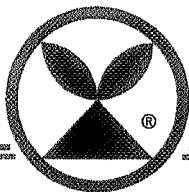
[t]he answer shall specifically admit, deny, or explain each and every allegation of the specification, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. Denials shall fairly meet the substance of the allegations of the specification at issues. When a respondent intends to deny only a part of an allegation, the respondent shall specify so much of it as is true and shall deny only the remainder. As to all matters within the knowledge of the respondent, including but not limited to the various factors entering into the computation of the gross backpay, a general denial will not suffice. As to such matters, if the respondent disputes either the accuracy of the figures in the specification or the premises upon which they are based, the answer shall specifically state the basis for such disagreement, setting forth respondent's position as to the applicable premises and furnishing the appropriate supporting figures.

Unless an Answer that fully comports with Section 102.56 is received by this office on or before June 25, 2012, or postmarked on or before June 23, 2012, the Region will move for default judgment on all the allegations in the Compliance Specification.

Very truly yours,

Genaira L. Tyce
Counsel for the Acting General Counsel
National Labor Relations Board
Region 29

EXHIBIT I



DICKENS INC.

75 Austin Blvd., Commack, NY 11725

Phone: (631)993-3123
(800)445-4632
Fax: (631)993-3125
www.dcgreetings.com

Mr. James Paulsen
Regional Director
NATIONAL LABOR RELATIONS BOARD, Region 29
Two Metro Tech Center 5th Floor
Brooklyn, NY 11201-4201
Phone: (718) 330-2034

June 20, 2012

Case No.29-CA-29080
Case No.29-CA-29198
Case No. 29-CA-29254

Answer to Notice of Hearing (Revised)

Mr. Paulsen,

Pursuant to the request of Ms. Genaira Tyce, I am rewriting my answer to your Notice of Hearing dated May 30, 2012.

The payment for 10 holidays should be subtracted from your requested backpay amount. I am listing the following communications in chronological order so that you can tell what the problem is.

1. The story of holiday pay for my warehouse workers are well described in Ms. Miaona Wu's affidavit, Judge Steven Fish's decision and many other related documents. For cost cutting and easy management, we have not offered any warehouse worker holiday pay since March 1st, 2007. A complete detailed payroll record supporting the above statement was emailed to Ms. Ellen Farben, Mr. Henry Powell, and Mr. Peter Margolies on 01/19/2012.
2. In a follow-up call by Ms. Ellen Farben for backpay, I advised her the amount for 10 holidays should be subtracted. In another call from Ms. Farben, she acknowledged that she checked our submitted records and found no other workers received the holiday pay, and agreed the holiday pay should be subtracted from her amount.
3. Without receiving the recalculated amount from Ms. Farben, I sent her an email on 03/27/12 and asked "We did not offer the warehouse workers holidays. By law, do you have to deduct the amount of holidays from the backpay?"
4. On 03/29/12, Ms. Farben responded "I received your 2010 holiday schedule. Please advise if the same holiday schedule existed in 2008 and 2009".
5. On 04/11/2012, I responded "Dear Ms. Fabren, Sorry for my delayed response. Yes, we have been using the same holiday schedule for years including 2008 and 2009."
6. On 04/16/2012, I received the following email from Ms. Farben, "Dear Mr. Chou: As you know, I have tried calling you on several occasions to discuss Dickens' compliance in the above stated matter. To date you have not returned my calls. Please be advised that the Region will issue a Compliance Specifiction and Notice if you do not accept our backpay demand on behalf of Wenquing Lin and Miaona Wu by Friday, April 20. 2012"



DICKENS INC.

75 Austin Blvd., Commack, NY 11725

Phone: (631)993-3123
(800)445-4632
Fax: (631)993-3125
www.dcgreetings.com

7. On 04/16/2012, I responded by email,

"Dear Ms. Farben,

What's wrong? Somebody is giving you troubles in office?

As shown in my 03/27/2012 email, I have advised you that "We did not offer the warehouse workers holidays. By law, do you have to deduct the amount of holidays from the backpay?", I have also attached a copy of our holiday schedule.

Right after you left 2 messages with my associates Silvia and Lester on April 10 & 11, I have responded to you with an email on April 11 as attached, and I am awaiting your answer and confirmation of the revised amount.

I have been working outside the office most of the time in the past 3 weeks, but will be in office this week. I can be reached at extension 108.

Mrs. Faben, you are a nice lady and we understand that you are doing your job, I have no problem taking your calls, but for your own protection, may I suggest you put everything in writing and have Mr. Alvin Blyer sign before you send to me? For those who know the law, but play and abuse the law, I will take care of them like the Jews take care of the Nazi when my health is improved.

8. I received your "Notice of Hearing" dated May 30, 2012 requesting us to pay holidays to Wenquing Lin and Miaona Wu while the other workers did not have.

Mr. Blyer is gone, but Mr. Powell and Mr. Margolies have been fully involved our holiday pay issues from the very beginning. Actually they are the ones who took advantage of Mrs. Wu's anger about my cancellation of her holiday pay and fabricated Lin's case. Please ask them to follow the law and play by the rules. How many times can they expect those so called NLRB Judges to cover their fabricated cases?

As advised, I will be out of the country and will not be available between July 21 and July 30. Please reschedule your hearing for either before July 21, or no later than Aug. 10, 2012 after I return.

Regards,

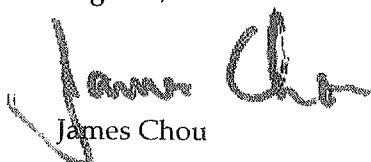

James Chou

EXHIBIT J

Tyce, Genaira

From: Tyce, Genaira
Sent: Monday, June 25, 2012 5:43 PM
To: 'James'
Subject: Case Nos. 29-CA-029080 et al Dickens. Inc. Revised Backpay Obligation
Attachments: CPL29.doc

NxGen: Uploaded

Mr. Chou:

Per our conversation earlier today, the Dickens payroll records you submitted substantiate your claim that other employees similar to discriminatees Wenquing Lin and Miaona Wu did not receive holiday pay during the backpay period, from July 3, 2008 to June 30, 2009. Similarly situated employees were, however, paid on the Martin Luther King, Jr. holiday because Dickens Inc. was open and employees worked on that day.

Accordingly, the Region agrees to amend its compliance specification to reflect the removal of nine (9) paid holidays from its backpay computation formula. With this modification, Dickens Inc.'s liability to Wenquing Lin is adjusted from \$19,620.00 (\$17,160.00 in backpay + \$2,460.00 in interest) to \$18,938.00 (\$16,566.00 in backpay + \$2,372.00 in interest). Dickens Inc.'s liability to Miaona Wu is adjusted from \$21,816.00 (\$19,110.00 in backpay + \$2,706.00 in interest) to \$21,102.00 (\$18,486.00 in backpay + \$2,616.00 in interest). Dickens Inc.'s total backpay liability is now \$40,040.00, down from \$41,436.00.

These adjustments resolve the only disputed backpay issue in this case. Accordingly, kindly submit, within (7) days of this letter, by July 2, 2012, two checks made payable to each employee, one in the amount of backpay (less statutory deductions) and one for interest (no deductions).

I am enclosing form 29-CPL-29, Instruction for Tax Deductions from Backpay for your convenience. If you have any additional questions, please feel free to contact me at (718) 330-2843.

Kind regards,

Genaira L. Tyce

EXHIBIT K

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29

DICKENS, INC.

And

WENQUING LIN


Case No. 29-CA-29080
29-CA-29198
29-CA-29254

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter be and the same hereby is rescheduled from July 24, 2012 to August 1, 2012, at 10:00 a.m., and on consecutive days thereafter until concluded, at Two Metrotech Center, 5th floor, Brooklyn, New York 11201.

No further postponements will be granted absent extraordinary circumstances.

Dated at Brooklyn, New York this 28th day of June, 2012.



James G. Paulsen
Regional Director, Region 29
National Labor Relations Board
Two Metrotech Center - 5th floor
Brooklyn, New York 11201

EXHIBIT L

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DICKENS INC..

And

WENQUING LIN

Case No. 29-CA-29080
29-CA-29198
29-CA-29254

Date of Mailing June 28, 2012

AFFIDAVIT OF SERVICE OF: ORDER RESCHEDULING HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by post-paid certified and regular mail upon the following persons, addressed to them at the following addresses:

Dickens, Inc.
75 Austin Boulevard
Commack, New York 11725
Attn: James Chou, Vice President

BY REGULAR MAIL ONLY

Dickens, Inc.
75 Austin Boulevard
Commack, New York 11725
Attn: James Chou, Vice President

Wenquing Llin
141-10 28th Avenue
Apt. 6D
Flushing, New York 11354

Subscribed and sworn to before me this 28th day
of JUNE, 2012

DESIGNATED AGENT

Gina M. Morrison
NATIONAL LABOR RELATIONS BOARD

EXHIBIT M

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

DICKENS INC.

	Case Nos.	29-CA-29080
		29-CA-29198
and		29-CA-29254

WENQUING LIN

**AMENDED COMPLIANCE SPECIFICATION
AND NOTICE OF HEARING**

The National Labor Relations Board, herein called the Board, having on May 26, 2011, issued its Order (unpublished) directing Dickens Inc., herein called Respondent, its officers, agents, successors, and assigns, to reinstate and make whole its employees Wenquing Lin and Miaona Wu; and

The United States Court of Appeals for the Second Circuit having on September 30, 2011, issued its Judgment (11-3352), enforcing, in full, the Order of the Board; and

Controversy having arisen over the amount of monies due under the Board's Order and the Court Judgment, the undersigned Regional Director of the Board for Region 29, pursuant to authority conferred upon him by the Board and Sections 102.54 and 102.55 of the Board's Rules and Regulations, Series 8, as amended, hereby issues this Amended Compliance Specification and Notice of Hearing, and alleges that the monies due under the Board's Order and the Court Judgment is as follows:

I. BACKPAY PERIOD

A. The backpay period for discriminatees Wenquing Lin and Miaona Wu commenced on July 3, 2008, the date of their unlawful discharges by Respondent, and ends on June 30, 2009, the effective date on which they waived their rights to reinstatement.

II. COMPUTATION OF GROSS BACKPAY¹

A. An appropriate measure of the gross backpay which each claimant would have earned during their backpay period is their applicable hourly rate of pay multiplied by forty (40) hours per week, which is the average number of hours worked per week during each discriminatee's pre-discrimination period, computed on a calendar quarterly basis.

B. An appropriate measure of the gross backpay which each claimant would have earned for those weeks in which the following unpaid holidays fell during their backpay period is their applicable hourly rate of pay multiplied by thirty-two (32) hours per week.

- a. Independence Day (observed Thursday, July 4, 2008)
- b. Labor Day (observed Monday September 1, 2008)
- c. Columbus Day (observed Monday, October 13, 2008)
- d. Christmas (observed Thursday, December 25, 2008)
- e. New Year's Day (observed Thursday, January 1, 2009)
- f. President's Day (observed Monday, February 16, 2009)
- g. Memorial Day (observed Monday, May 25, 2009)

C. An appropriate measure of the gross backpay which each claimant would have earned for the week in which the following unpaid holidays fell during their backpay period is their applicable hourly rate of pay multiplied by twenty-four (24) hours per week.

- a. Thanksgiving Day (observed Thursday, November 27, 2008)
- b. Indigestion Day (observed Friday, November 28, 2008)

D. At the time of their discharge, Lin and Wu's hourly wage rates were as follows:

	<u>Hourly Wage</u>
Wenqing Lin	\$8.25

¹ Counsel for the General Counsel reserves the right to amend the Specification to reflect additional monies that may be owed to any of the discriminatees.

Miaona Wu \$9.75

E. Computations of gross backpay based on the above are set forth in Appendix A.

III. INTERIM EARNINGS

A. Interim earnings, which it is admitted were earned by the two discriminatees during the backpay period, computed on a quarterly basis, are set forth in Appendix A.

IV. NET BACKPAY

A. The net backpay of the discriminatees is the difference between their gross backpay and interim earnings, computed on a quarterly basis, as set forth in Appendix A.

V. SUMMARY

Summarizing the facts herein and the computations set forth above and in Appendix A, the obligation of Respondent to make whole the discriminatees Lin and Wu pursuant to the Board Order and Court Judgment, will be discharged by payment to them of \$35,052.00, allocated as follows:

Wenqing Lin	\$16,566.00
Miaona Wu	\$18,486.00

plus interest accrued to the date of payment, computed in the manner prescribed in *New Kentucky River Medical Center*, 356 NLRB No. 8 (2010), minus the tax withholdings required by federal, state and local laws.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Section 102.56 of the Board's Rules and Regulations, it must file an answer to the Amended Compliance Specification and Notice of Hearing. The answer must be received by this office on or before July 30, 2012, or postmarked on or before July 28, 2012. Unless filed electronically in a pdf format, Respondent should file an original and four copies of its answer with this office.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on the **E-Gov** tab, select **E-Filing**, and then follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that such answer be signed and sworn to by the Respondent or by a duly authorized agent with appropriate power of attorney affixed. See Section 102.56(a). If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to this consolidated complaint and compliance specification is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

As to all matters set forth in the Amended Compliance Specification that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached. Rather, the answer must state the basis for any disagreement

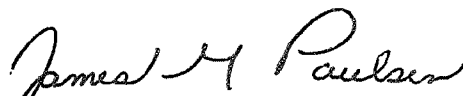
with any allegations that are within the Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

If no answer is filed or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Amended Compliance Specification and Notice of Hearing are true. If the answer fails to deny allegations in the Amended Compliance Specification and Notice of Hearing in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the Amended Compliance Specification and Notice of Hearing are true and preclude Respondent from introducing any evidence controverting those allegations.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on the 1st day of August 2012, at 10:00 a.m. at Two MetroTech Center - 5th Floor, Brooklyn, New York, and consecutive days thereafter until concluded, a hearing will be conducted before a duly designated Administrative Law Judge of the National Labor Relations Board on the allegations set forth in the above Compliance Specification, at which time, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this compliance specification. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Brooklyn, New York, this 9th day of July, 2012.


James G. Paulsen
Regional Director
National Labor Relations Board
Region 29
Two MetroTech Center, Suite 5100
Brooklyn, New York 11201-3838

NLRB Backpay Calculation

1

Case Name: Dickens, Inc.
Case Number: 29-CA-29080 et al
Claimant: Wenquing Lin

Backpay period:

July 3, 2008-June 30, 2009

Year	Qtr		Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2008	3	Total	4,158		4,158	-	-	4,158
2008	4	Total	4,026		4,026	-	-	4,026
2009	1	Total	4,158		4,158	-	-	4,158
2009	2	Total	4,224		4,224	-	-	4,224
Totals					16,566	-	-	16,566

NLRB Backpay Calculation

1

Case Name: Dickens, Inc.
Case Number: 29-CA-29080 et al
Claimant: Miaona Wu

Backpay period:

July 3, 2008-June 30, 2009

Year	Qtr		Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2008	3	Total	3,822		3,822	-	-	3,822
2008	4	Total	4,758		4,758	-	-	4,758
2009	1	Total	4,914		4,914	-	-	4,914
2009	2	Total	4,992		4,992	-	-	4,992
Totals					18,486	-	-	18,486

EXHIBIT N

ORIGINAL

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29

DICKENS, INC.

Charged Party

and

WENQING LIN

Charging Party

Case 29-CA-029080

AFFIDAVIT OF SERVICE OF [Amended Compliance Specification and Notice of Hearing]
I, the undersigned employee of the National Labor Relations Board, state under oath that on July 9, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

JAMES CHOU, Vice President
DICKENS, INC.
75 AUSTIN BLVD
COMMACK, NY 11725-5701

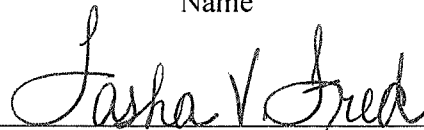
WENQING LIN
14110 28TH AVE
APT 6 D
FLUSHING, NY 11354-1667

July 9, 2012

Date

Tasha Fred, Designated Agent of NLRB

Name



Signature

EXHIBIT O

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29

DICKENS, INC.

Charged Party

and

WENQING LIN

Charging Party

Case no. 29-CA-029080

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter is rescheduled from August 1, 2012 to August 28, 2012, at 10:00 a.m., at Two METROTECH CENTER, 5TH FLOOR, BROOKLYN, NY 11201-3846 and consecutive days thereafter until concluded.

No further requests for postponement will be granted absent extraordinary circumstances.

Dated at Brooklyn, New York this 20th day of July, 2012



LARRY SINGER, Acting Regional Director
National Labor Relations Board
Region 29
TWO METRO TECH CENTER STE 5100
FL 5
BROOKLYN, NY 11201-3838

EXHIBIT P

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DICKENS, INC.

AND

CASE NO. 29-CA-29080

WENQING LIN

Date of Mailing AUGUST 1, 2012

AFFIDAVIT OF SERVICE OF ORDER RESCHEDULING HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled documents(s) by regular mail upon the following persons, addressed to them at the following addresses:

BY UPS

JAMES CHOU, VICE PRESIDENT
DICKENS, INC.
75 AUSTIN BOULEVARD
COMMACK, NY 11725-5701

WENQING LIN
14110 28TH AVENUE
APT 6D
FLUSHING, NY 11354-1667

Subscribed and sworn to me this 1ST

DESIGNATED AGENT

Of AUGUST 2012 NATIONAL LABOR RELATIONS BOARD

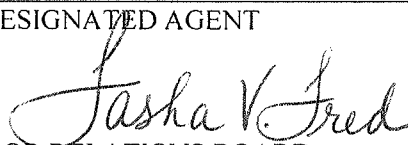


EXHIBIT Q



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 29
TWO METRO TECH CENTER STE 5100
BROOKLYN, NY 11201-3838

Agency Website: www.nlrb.gov
Telephone: (718)330-2843
Fax: (718)330-7579

July 31, 2012

BY UNITED PARCEL SERVICE Tracking Number 1ZA4130W0194590496

James Chou
Dickens Inc.
75 Austin Blvd.
Commack New York 11725

Re: Dickens Inc.
Case Nos. 29-CA-29080, 29-CA-29198
and 29-CA-29254

Dear Mr. Chou:

On July 9, 2012, the Regional Director for Region 29 issued an Amended Compliance Specification and Notice of Hearing in the above-referenced matter that was served by regular mail on Dickens Inc. On page 3 – Answer Requirement- of the Amended Compliance Specification, you were notified that pursuant to Section 102.56 of the National Labor Relations Board ("Board") Rules and Regulations, your answer was to be received by this office on or before July 30, 2012, or postmarked on or before July 28, 2012. No answer has been filed. Section 102.56(c) of the Board's Rules and Regulations state in pertinent part that "[i]f the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate."

For your convenience, I am enclosing a copy of the Amended Compliance Specification. If an answer to the Amended Compliance Specification is not received in this office on or before the close of business on Tuesday, August 7, 2012, a Motion for Default Judgment will be filed with the Board against Dickens Inc. based upon the failure to file an Answer. Should you have any questions, you may call me at (718) 330-2843.

Sincerely yours,

Genaira L. Tyce
Counsel for the Acting General Counsel
National Labor Relations Board
Region 29

Enclosure: Amended Compliance Specification

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

DICKENS INC.

Case Nos. 29-CA-29080
 29-CA-29198
 29-CA-29254

and

WENQUING LIN

**AMENDED COMPLIANCE SPECIFICATION
AND NOTICE OF HEARING**

The National Labor Relations Board, herein called the Board, having on May 26, 2011, issued its Order (unpublished) directing Dickens Inc., herein called Respondent, its officers, agents, successors, and assigns, to reinstate and make whole its employees Wenquing Lin and Miaona Wu; and

The United States Court of Appeals for the Second Circuit having on September 30, 2011, issued its Judgment (11-3352), enforcing, in full, the Order of the Board; and

Controversy having arisen over the amount of monies due under the Board's Order and the Court Judgment, the undersigned Regional Director of the Board for Region 29, pursuant to authority conferred upon him by the Board and Sections 102.54 and 102.55 of the Board's Rules and Regulations, Series 8, as amended, hereby issues this Amended Compliance Specification and Notice of Hearing, and alleges that the monies due under the Board's Order and the Court Judgment is as follows:

I. BACKPAY PERIOD

A. The backpay period for discriminatees Wenquing Lin and Miaona Wu commenced on July 3, 2008, the date of their unlawful discharges by Respondent, and ends on June 30, 2009, the effective date on which they waived their rights to reinstatement.

II. COMPUTATION OF GROSS BACKPAY¹

A. An appropriate measure of the gross backpay which each claimant would have earned during their backpay period is their applicable hourly rate of pay multiplied by forty (40) hours per week, which is the average number of hours worked per week during each discriminatee's pre-discrimination period, computed on a calendar quarterly basis.

B. An appropriate measure of the gross backpay which each claimant would have earned for those weeks in which the following unpaid holidays fell during their backpay period is their applicable hourly rate of pay multiplied by thirty-two (32) hours per week.

- a. Independence Day (observed Thursday, July 4, 2008)
- b. Labor Day (observed Monday September 1, 2008)
- c. Columbus Day (observed Monday, October 13, 2008)
- d. Christmas (observed Thursday, December 25, 2008)
- e. New Year's Day (observed Thursday, January 1, 2009)
- f. President's Day (observed Monday, February 16, 2009)
- g. Memorial Day (observed Monday, May 25, 2009)

C. An appropriate measure of the gross backpay which each claimant would have earned for the week in which the following unpaid holidays fell during their backpay period is their applicable hourly rate of pay multiplied by twenty-four (24) hours per week.

- a. Thanksgiving Day (observed Thursday, November 27, 2008)
- b. Indigestion Day (observed Friday, November 28, 2008)

D. At the time of their discharge, Lin and Wu's hourly wage rates were as follows:

	<u>Hourly Wage</u>
Wenqing Lin	\$8.25

¹ Counsel for the General Counsel reserves the right to amend the Specification to reflect additional monies that may be owed to any of the discriminatees.

Miaona Wu \$9.75

E. Computations of gross backpay based on the above are set forth in Appendix A.

III. INTERIM EARNINGS

A. Interim earnings, which it is admitted were earned by the two discriminatees during the backpay period, computed on a quarterly basis, are set forth in Appendix A.

IV. NET BACKPAY

A. The net backpay of the discriminatees is the difference between their gross backpay and interim earnings, computed on a quarterly basis, as set forth in Appendix A.

V. SUMMARY

Summarizing the facts herein and the computations set forth above and in Appendix A, the obligation of Respondent to make whole the discriminatees Lin and Wu pursuant to the Board Order and Court Judgment, will be discharged by payment to them of \$35,052.00, allocated as follows:

Wenqing Lin	\$16,566.00
Miaona Wu	\$18,486.00

plus interest accrued to the date of payment, computed in the manner prescribed in *New Kentucky River Medical Center*, 356 NLRB No. 8 (2010), minus the tax withholdings required by federal, state and local laws.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Section 102.56 of the Board's Rules and Regulations, it must file an answer to the Amended Compliance Specification and Notice of Hearing. The answer must be received by this office on or before July 30, 2012, or postmarked on or before July 28, 2012. Unless filed electronically in a pdf format, Respondent should file an original and four copies of its answer with this office.

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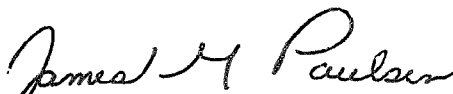
with any allegations that are within the Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

If no answer is filed or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Amended Compliance Specification and Notice of Hearing are true. If the answer fails to deny allegations in the Amended Compliance Specification and Notice of Hearing in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the Amended Compliance Specification and Notice of Hearing are true and preclude Respondent from introducing any evidence controverting those allegations.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on the 1st day of August 2012, at 10:00 a.m. at Two MetroTech Center - 5th Floor, Brooklyn, New York, and consecutive days thereafter until concluded, a hearing will be conducted before a duly designated Administrative Law Judge of the National Labor Relations Board on the allegations set forth in the above Compliance Specification, at which time, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this compliance specification. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Brooklyn, New York, this 9th day of July, 2012.


James G. Paulsen
Regional Director
National Labor Relations Board
Region 29
Two MetroTech Center, Suite 5100
Brooklyn, New York 11201-3838

NLRB Backpay Calculation

1

Case Name: Dickens, Inc.
Case Number: 29-CA-29080 et al

Backpay period:

Claimant: Wenqing Lin

July 3, 2008-June 30, 2009

Year	Qtr		Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2008	3	Total	4,158		4,158	-	-	4,158
2008	4	Total	4,026		4,026	-	-	4,026
2009	1	Total	4,158		4,158	-	-	4,158
2009	2	Total	4,224		4,224	-	-	4,224
Totals					16,566	-	-	16,566

NLRB Backpay Calculation

1

Case Name: Dickens, Inc.

Case Number: 29-CA-29080 et al

Backpay period:

Claimant: Miaona Wu

July 3, 2008-June 30, 2009

Year	Qtr		Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2008	3	Total	3,822		3,822	-	-	3,822
2008	4	Total	4,758		4,758	-	-	4,758
2009	1	Total	4,914		4,914	-	-	4,914
2009	2	Total	4,992		4,992	-	-	4,992
Totals					18,486	-	-	18,486

EXHIBIT R



Proof of Delivery

[Close Window](#)

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number:	1ZA4130W0194590496
Service:	UPS Next Day Air®
Shipped/Billed On:	07/31/2012
Delivered On:	08/01/2012 9:44 A.M.
Delivered To:	COMMACK, NY, US
Signed By:	EDGARDO
Left At:	Front Desk

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 08/08/2012 2:31 P.M. ET

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